

**Remarks**

Claims 1-5, 7-11 and 13-45 are currently pending in the application. Claims 1, 7-11, 26-32, 41, and 44-45 stand rejected under 35 U.S.C. 101 as being directed towards non-statutory subject matter. Additionally, claims 1, 7, and 13 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 10 of co-pending Application No. 10,670,641, and claim 4 of co-pending Application No. 10/670,924. Claims 2-5, 14-18, and 42-43 are objected to because they are dependent on rejected base claims. Lastly, claim 13 is objected to because it was not clear to the Examiner how the "sensor operable to determine a pressure of an aerosol" is structurally related/connected to the rest of the claim.

In paragraph 7 of the Office Action dated 25 September 2006, Examiner states his position that, in claims 1 and 7, calculating a volume of the first aerosol is not sufficient to constitute a useful, concrete, and tangible result. Applicant has amended independent claims 1 and 7 to include a final step of "metering subsequently delivered amounts of the aerosol, based on the calculated volume" and "output[ting] a signal for metering subsequently delivered amounts of aerosol." respectively. Metering subsequently delivered amounts and outputting a signal for metering subsequently delivered amounts are useful, concrete, and tangible results. Therefore, amended claims 1 and 7 claim a useful, concrete, and tangible result.

In paragraphs 8 and 9 of the Office Action dated 25 September 2006, Examiner rejected claims 7-11, 26-32, and 44-45 stating that a storage medium containing instructions is not sufficient to constitute a useful, concrete, and tangible object/device. Applicant has amended claims 7-11, 26-32, and 44-45 to include "computer program

product" language. A computer program product is a useful, concrete, and tangible object/device. Therefore, Amended claims 7-11, 26-32, and 44-45 claim a useful, concrete, and tangible object/device.

In paragraph 10 of the Office Action dated 25 September 2006, Examiner rejected claim 41 stating his position that merely determining an amount of aerosol transferred would not be sufficient to constitute a useful, concrete, and tangible result. Applicant has amended claim 41 to read "metering a net amount of aerosol transferred based on the first input signal and the second input signal and the third input signal." As discussed above for claim 1, metering an amount to be delivered in a subsequent application is a useful, concrete, and tangible result. Therefore, amended claim 41 is directed to a useful, concrete, and tangible result and is patentable.

In paragraph 13 of the Office Action dated 25 September 2006, Examiner rejected claims 1, 7, 13 as being unpatentable over claim 10 of copending Application No. 10/670,641 and claim 4 of copending Application No. 10/670,924 on the grounds of nonstatutory obviousness type double patenting. To overcome this rejection, Applicant submits herewith a Terminal Disclaimer with respect to the patents that will issue from copending applications 10/670,641 and 10/670,924.

In paragraph 15 of the Office Action dated 25 September 2006, Examiner objected to claim 13 on the grounds that it was not clear how the sensor is structurally related/connected to the rest of the claim. Applicant has amended claim 13 to include the structural relation with the other elements of the claim. Specifically, the sensor is coupled to the processor and sends the signal representing the first airflow. Applicant believes the

amended claim 13 adequately describes the relation between the sensor and the rest of the claims.

In view of the foregoing, all pending claims are believed to be in condition for allowance. Reconsideration of the amended claims and a notice of allowance are therefore requested. No additional fee is believed to be due. If any additional fees are required for the timely consideration of this application, please charge deposit account number 19-4972.

Respectfully submitted,



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